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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/852,799	05/11/2001	Bodin Dresevic	03797.00132	5479
28319	7590	11/17/2005	EXAMINER	
BANNER & WITCOFF LTD., ATTORNEYS FOR MICROSOFT 1001 G STREET , N.W. Suite 1100 WASHINGTON, DC 20001-4597			PERUNGAVOOR, SATHYANARAYA V	
		ART UNIT	PAPER NUMBER	
			2625	

DATE MAILED: 11/17/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/852,799 ✓	DRESEVIC ET AL.	
	<b>Examiner</b> Sath V. Perungavoor	<b>Art Unit</b> 2625	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 27 July 2005.  
 2a) This action is FINAL.                    2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 14-21 and 26 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 5) Claim(s) \_\_\_\_\_ is/are allowed.  
 6) Claim(s) 14-21 and 26 is/are rejected.  
 7) Claim(s) \_\_\_\_\_ is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
     1. Certified copies of the priority documents have been received.  
     2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
     3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
|  | 6) <input type="checkbox"/> Other: _____                                    |

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

[1] A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on July 27, 2005 has been entered.

### ***Response to Arguments/Amendments***

[2] Presented arguments have been fully considered, but are rendered moot in view of the new ground(s) of rejection.

### ***Duty of Disclosure***

[3] The following is a quotation of the appropriate paragraphs of 37 CFR 1.56:

(a) A patent by its very nature is affected with a public interest. The public interest is best served, and the most effective patent examination occurs when, at the time an application is being examined, the Office is aware of and evaluates the teachings of all information material to patentability. Each individual associated with the filing and prosecution of a patent application has a duty of candor and good faith in dealing with the Office, which includes a duty to disclose to the Office all information known to that individual to be material to patentability as defined in this section. The duty to disclose information exists with respect to each pending claim until the claim is cancelled or withdrawn from consideration, or the application becomes abandoned. Information material to the patentability of a claim that is cancelled or withdrawn from consideration need not be submitted if the information is not material to the patentability of any claim remaining under consideration in the application. There is no duty to submit information which is not material to the patentability of any existing claim. The duty to disclose all information known to be material to patentability is deemed to be satisfied if all information known to be material to patentability of any claim issued in a patent was cited by the Office or submitted to the Office in the manner prescribed by §§ 1.97(b)-(d) and 1.98. However, no patent will be granted on an application in connection with which fraud on the Office was practiced or attempted or the duty of disclosure was violated through bad faith or intentional misconduct. The Office encourages applicants to carefully examine:

- (1) Prior art cited in search reports of a foreign patent office in a counterpart application, and
- (2) The closest information over which individuals associated with the filing or prosecution of a patent application believe any pending claim patentably defines, to make sure that any material information contained therein is disclosed to the Office.

(b) Under this section, information is material to patentability when it is not cumulative to information already of record or being made of record in the application, and

- (1) It establishes, by itself or in combination with other information, a prima facie case of unpatentability of a claim; or
- (2) It refutes, or is inconsistent with, a position the applicant takes in:

- (i) Opposing an argument of unpatentability relied on by the Office, or
  - (ii) Asserting an argument of patentability.
- A prima facie case of unpatentability is established when the information compels a conclusion that a claim is unpatentable under the preponderance of evidence, burden-of-proof standard, giving each term in the claim its broadest reasonable construction consistent with the specification, and before any consideration is given to evidence which may be submitted in an attempt to establish a contrary conclusion of patentability.
- (c) Individuals associated with the filing or prosecution of a patent application within the meaning of this section are:
- (1) Each inventor named in the application;
  - (2) Each attorney or agent who prepares or prosecutes the application; and
  - (3) Every other person who is substantively involved in the preparation or prosecution of the application and who is associated with the inventor, with the assignee or with anyone to whom there is an obligation to assign the application.
- (d) Individuals other than the attorney, agent or inventor may comply with this section by disclosing information to the attorney, agent, or inventor.
- (e) In any continuation-in-part application, the duty under this section includes the duty to disclose to the Office all information known to the person to be material to patentability, as defined in paragraph (b) of this section, which became available between the filing date of the prior application and the national or PCT international filing date of the continuation-in-part application.
- Examiner respectfully requests the applicant(s) to disclose any patents and/or applications that may be material to a double patenting rejection.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

[4] Claims 14-21 and 26 are rejected under 35 U.S.C. 102(b) as being anticipated by the NPL document titled “JOT – A Specification for an Ink Storage and Interchange Format”, submitted by the applicants on July 15, 2004 (“JOT”).

Regarding claim 14, JOT meets all the claim limitations, as follows:

A computer-readable medium having a data structure thereon, said data structure being read and processed by a computer, said data structure relating to storing

handwritten ink information, said data structure comprising [Page 2, Paragraph 3]: a first portion having a tag representing an identification of a type of tag data [Page 25 Paragraph 2: INK\_RECORD\_HEADER8]; a second portion identifying a size of said tag data, said size portion permitting said computer to skip over tag data [Page 25, Paragraph 4 and Page 16, Paragraphs 1 and 2: inkRecordBundleSize]; a third portion having said tag data [Page 27, Paragraph 1: tag\_INK\_PENDATA\_RECORD]; a fourth portion having a table, said table including global unique identifiers [Page 41, Paragraph 2: tag\_INK\_APP\_RECORD].

Regarding claim 15, JOT meets all the claim limitations, as follows:

The computer readable medium according to claim 14, wherein tags for said global unique identifiers are determined by the position of said global unique identifiers in said table [Page 41, Paragraph 2: appSignature, individual signatures are determined by index value (i.e. position) [0...8] in the table.]

Regarding claim 16, JOT meets all the claim limitations, as follows:

The computer readable medium according to claim 14, wherein tags for said global unique identifiers are specified [Page 41, Paragraph 2: appSignature].

Regarding claim 17, JOT meets all the claim limitations, as follows:

A computer readable medium having a data structure thereon, said data structure being read and processed by a computer, said data structure relating to storing handwritten ink information [Page 2, Paragraph 3], said data structure comprising: a

first portion having a tag representing an identification of a type of tag data [Page 25  
*Paragraph 2: INK\_RECORD\_HEADER8*]; second portion identifying a size of said tag data, said size permitting said computer to skip over said tag data [Page 25,  
*Paragraph 4 and Page 16, Paragraphs 1 and 2: inkRecordBundleSize*]; a third portion having the said tag data [Page 27, *Paragraph 1: tag\_INK\_PENDATA\_RECORD*]; a fourth portion describing an ink space rectangle [Page 27, *Paragraph 1: RECT32*].

Regarding claim 18, JOT meets all the claim limitations, as follows:

A computer readable medium having a data structure thereon, said data structure being read and processed by a computer, said data structure relating to storing handwritten ink information [Page 2, *Paragraph 3*], said data structure comprising: a first portion having a tag representing an identification of a type of tag data [Page 25  
*Paragraph 2: INK\_RECORD\_HEADER8*]; second portion identifying a size of said tag data, said size permitting said computer to skip over said tag data [Page 25,  
*Paragraph 4 and Page 16, Paragraphs 1 and 2: inkRecordBundleSize*]; a third portion having the said tag data [Page 27, *Paragraph 1: tag\_INK\_PENDATA\_RECORD*]; a fourth portion having a table, said table describing metrics of properties [Page 40, *Paragraph 2; Page 39, Paragraph 2: tag\_INK\_UNITS\_PER\_FORCE\_RECORD, tag\_INK\_UNITS\_PER\_Z\_RECORD, both define a 1 dimensional array (i.e. table) and can be combined to form a 2 dimensional array (i.e. table).*].

Regarding claim 19, JOT meets all the claim limitations, as follows:

The computer readable medium according to claim 18, further comprising: a fifth portion comprising a second table, said second table describing properties of strokes in which said properties are related to the metrics of properties in said fourth portion [*Page 46 Paragraph 2: force*].

Regarding claim 20, JOT meets all the claim limitations, as follows:

A computer readable medium having a data structure thereon, said data structure being read and processed by a computer, said data structure relating to storing handwritten ink information [*Page 2, Paragraph 3*], said data structure comprising: a first portion having a tag representing an identification of a type of tag data [*Page 25 Paragraph 2: INK\_RECORD\_HEADER8*]; second portion identifying a size of said tag data, said size permitting said computer to skip over said tag data [*Page 25, Paragraph 4 and Page 16, Paragraphs 1 and 2: inkRecordBundleSize*]; a third portion having the said tag data [*Page 27, Paragraph 1: tag\_INK\_PENDATA\_RECORD*]; a fourth portion having a table, said table describing a transform of at least one ink stroke [*Page 28, Paragraph 4: tag\_INK\_SCALE\_RECORD*].

Regarding claim 21, JOT meets all the claim limitations, as follows:

A computer readable medium having a data structure thereon, said data structure being read and processed by a computer, said data structure relating to storing handwritten ink information [*Page 2, Paragraph 3*], said data structure comprising: a first portion having a tag [*Page 25 Paragraph 2: INK\_RECORD\_HEADER8*]; a second portion identifying a size of said tag data, said size permitting said computer

to skip over said tag data [*Page 25, Paragraph 4 and Page 16, Paragraphs 1 and 2: inkRecordBundleSize*]; a third portion having the said tag data [*Page 27, Paragraph 1: tag\_INK\_PENDATA\_RECORD*]; a fourth portion having a table, said table describing a drawing attribute of at least one ink stroke [*Page 31, Paragraph 4: tag\_INK\_COLOR\_RECORD*].

Regarding claim 26, JOT meets all the claim limitations, as follows:

A computer readable medium having a data structure thereon, said data structure being read and processed by a computer, said data structure relating to storing handwritten ink information [*Page 2, Paragraph 3*], said data structure comprising: a first portion having a tag [*Page 25 Paragraph 2: INK\_RECORD\_HEADER8*]; a second portion identifying a size of said tag data, said second portion located after said first portion, said size permitting said computer to skip over said tag data [*Page 25, Paragraph 4 and Page 16, Paragraphs 1 and 2: inkRecordBundleSize*]; a third portion having the said tag data, said third portion located after said second portion [*Page 27, Paragraph 1: tag\_INK\_PENDATA\_RECORD*]; a fourth portion having a table, said table describing a drawing attribute of at least one ink stroke [*Page 31, Paragraph 4: tag\_INK\_COLOR\_RECORD*].

## ***Appendix***

- [5] Marked-up version of the JOT reference is attached in order to aid the applicants.

### **Contact Information**

[6] Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mr. Sath V. Perungavoor whose telephone number is (571) 272-7455. The examiner can normally be reached on Monday to Friday from 8:30am to 5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. Bhaves M. Mehta whose telephone number is (571) 272-7453, can be reached on Monday to Friday from 9:00am to 5:00pm. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Dated: November 11, 2005

  
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PRIMARY EXAMINER